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EXAMINER	
RUSH, ERIC	
ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
01/26/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/826,995	FLOEDER ET AL.	
	Examiner	Art Unit	
	ERIC RUSH	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 September 2008*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,7-12,14,15 and 22-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5,7-12,14,15 and 22-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to the amendments and remarks received 9/30/2008. Claims 1 – 3, 5, 7 – 12, 14 – 15 and 22 – 31 are currently pending.

Claim Objections

2. Claim 9 is objected to because of the following informalities: the last line of claim 9 recites "note" the Examiner believes this to be a typo and should be read as "not". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 2, 5, 9, 10, 12, 14, 15, 22, 24, and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho et al. U.S. Patent No. 6,934,028 B2 in view of Simonetti U.S. Publication No. 2002/0176617 A1.

- With regards to claim 1, Ho et al. teach a method of analyzing a web of material containing at least two anomalies, comprising: imaging at least a portion of the web as part of a first web operation to provide digital information; (Ho et al., Column 8 Lines 12 - 20) processing the digital

information with an initial algorithm to identify regions on the web containing the at least two anomalies; (Ho et al., Column 6 Lines 7 – 23 and Lines 50 - 55) placing fiducial marks on the web, wherein the fiducial marks uniquely identify a position on the web; (Ho et al., Column 12 Line 66 – Column 13 Line 17) winding the web onto a roll; (Ho et al., Column 13 Lines 34 - 49) recording positional information localizing the identified regions relative to the fiducial marks; (Ho et al., Column 13 Lines 18 – 33, Column 13 Line 61 – Column 14 Line 3) and subsequent to the winding step, as part of a second web operation that is temporally distinguished from the first web operation by at least the winding step, (Ho et al., Column 13 Lines 7 – 49, the only distinction between the two operations is the winding step as required by the claim) unwinding the web and identifying the position of at least one of the identified regions, using the positional information and the fiducial marks as a guide. (Ho et al., Column 13 Lines 34 – 49, Ho et al. teach an unwinding step and if further defects are found the method will identify more regions) Ho et al., fail to teach wherein the fiducial marks uniquely identify a position on the web and applying locating marks to the web. Simonetti teaches wherein the fiducial marks uniquely identify a position on the web, (Simonetti, Page 5 Paragraphs 0045 - 0048) and applying locating marks to the web. (Simonetti, Page 5 Paragraphs 0045 - 0048) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the

teachings of Ho et al. with the teachings of Simonetti. This modification would have been prompted in order to annotate anomalies with unique identifiers which would be advantageous for a multitude of reasons, for example to aid in classification of the anomalies and/or in order to help make sure the inspection system is continually calibrated and aligned properly.

- With regards to claim 2, Ho et al. in view of Simonetti teach the method according to claim 1. Ho et al. teach the method further comprising: storing or buffering the digital information describing the identified regions; (Ho et al., Column 11 Lines 23 – 50, Column 12 Lines 27 - 38) receiving input defining the constituents of an anomaly that is a defect with respect to the contemplated end use of the web; (Ho et al., Column 10 Lines 48 - 54) processing the digital information describing the identified regions to identify at least one identified region that qualifies as an actual defects with respect to the contemplated end use of the web, (Ho et al., Column 7 Lines 46 – 59, Column 8 Lines 12 - 60) and to identify at least one identified region that does not qualify as an actual defect with respect to the contemplated end use of the web, (Ho et al., Column 7 Lines 46 – 59, Column 8 Lines 12 - 60) wherein the locating mark is applied to identify the position of only the at least one identified region that qualifies as an actual defect with respect to the contemplated end use of the web. (Ho et

al., Column 10 Lines 48 – 53, Column 10 Line 63 - Column 11 Line 13, and Column 13 Lines 34 - 49) Simonetti teaches wherein the locating mark is applied to identify the position of only the at least one identified region that qualifies as an actual defect. (Simonetti, Page 5 Paragraphs 0045 - 0048)

- With regards to claim 5, Ho et al. in view of Simonetti teach the method according to claim 2. Ho et al. teach wherein the stored or buffered information is processed after the imaging has been performed on the entire web. (Ho et al., Column 13 Lines 34 – 49, the re-inspection step use the stored information for defect and flaw verification plus additional processing)

- With regards to claim 9, Ho et al. teach a system for marking a web of material having at least two anomalies, comprising: a fiducial marker for applying fiducial marks on a portion of the web, (Ho et al., Column 12 Line 66 – Column 13 Line 17) wherein the fiducial marks uniquely identify particular positions on the web; (Ho et al., Column 12 Line 66 – Column 13 Line 17) an inspection module for imaging the portion of the web to provide digital information, (Ho et al., Column 8 Lines 12 - 20) processing the digital information with an initial algorithm to identify regions on the web containing the anomalies, (Ho et al., Column 6 Lines 7 – 23 and Lines

50 - 55) and determining positional information localizing the identified regions relative to the fiducial marks; (Ho et al., Column 12 Line 66 – Column 13 Line 17) a fiducial reader for reading and providing localizing information from the fiducial marks; (Ho et al., Column 13 Line 34 – Column 14 Line 33, Ho et al. teach inspecting, detecting, and marking defects and two different locations and times, wherein the second location reads the marks and associates the marks on the web with the defect location and classification with the aid of a database which was created during the first inspection) a web marker controller for controlling the web marker so as to apply locating marks to the web identifying the position of at least one of the anomalies that constitutes a defect, (Ho et al., Column 10 Lines 48 – 53, Column 12 Line 66 – Column 13 Line 17) using the positional information and the localizing information as a guide, (Ho et al., Column 12 Line 66 – Column 13 Line 49) and; wherein the fiducial marker and the inspection module are associated with a first webhandling apparatus that winds the web around a first core, and wherein the fiducial reader, the web marker, and the web marker controller are associated with a second webhandling apparatus that winds the web around a second core, and wherein the first and second core are not the same core. (Ho et al., Column 13 Line 34 – Column 14 Line 33, Ho et al. teach inspecting, detecting, and marking defects and two different locations and times, wherein the second location reads the marks and associates the marks on

the web with the defect location and classification with the aid of a database which was created during the first inspection. The Examiner asserts that the limitation of a first and second core is implicit as being notoriously well known and understood in the art to those of ordinary skill, Ho et al. teach a winding and un-winding steps and it is implicit, in this art, that the material is being wound and un-wound around at least two different cores, see Calvert et al. U.S. Patent No. 4,458,852 for specific teaching. "[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." *In re Preda*, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968)) Ho et al., fail to teach a web marker for applying locating marks to the web; and wherein the fiducial marks uniquely identify a position on the web. Simonetti teaches a web marker for applying locating marks to the web; (Simonetti, Page 5 Paragraphs 0045 - 0048) wherein the fiducial marks uniquely identify a position on the web. (Simonetti, Page 5 Paragraphs 0045 - 0048) a web marker controller for controlling the web marker so as to apply locating marks to the web identifying the position of at least one of the anomalies that constitutes a defect. (Simonetti, Page 5 Paragraphs 0045 – 0048) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Ho et al. with the teachings of Simonetti. This modification would have been

prompted in order to annotate anomalies with unique identifiers which would be advantageous for a multitude of reasons, for example to aid in classification of the anomalies and/or in order to help make sure the inspection system is continually calibrated and aligned properly.

- With regards to claim 10, Ho et al. in view of Simonetti teach the system according to claim 9. Ho et al. teach wherein the web marker controller, before providing signals commensurate with a marking of an anomaly, receives input defining the constituents of an anomaly that is a defect with respect to the contemplated end use of the web to determine that at least one of the anomalies does qualify as an actual defect with respect to a contemplated end use of the web, (Ho et al., Column 10 Lines 48 – 53) and at least one of the anomalies does not qualify as an actual defect with respect to the contemplated end use of the web. (Ho et al., Column 7 Lines 46 – 59, Column 8 Lines 12 - 60)

- With regards to claim 12, Ho et al. in view of Simonetti teach the system according to claim 10. Ho et al. teach wherein the inspection module stores or buffers the identified regions for the processor. (Ho et al., Column 12 Lines 27 – 38)

- With regards to claim 14, Ho et al. in view of Simonetti teach the system according to claim 9. Ho et al. teach wherein the web marker places locating marks on or adjacent to the anomalies whose position they identify. (Ho et al. Column 13 Lines 7 – 17)

- With regards to claim 15, Ho et al. in view of Simonetti teach the system according to claim 9. Ho et al. teach wherein the web marker places locating marks that are spaced in a predetermined way from the anomalies whose position they identify. (Ho et al. Column 13 Lines 7 – 17)

- With regards to claim 22, Ho et al. teach a method of marking a web of material having fiducial marks thereon, comprising: receiving the web of material in the form of a roll, (Ho et al., Column 5 Lines 46 – 55, Column 13 Lines 34 - 49) the web of material having at least two anomalies; (Ho et al., Column 6 Lines 7 – 23 and Lines 50 - 55) receiving digital information about the location of the at least two anomalies on the web of material relative to the fiducial marks, (Ho et al., Column 13 Lines 18 – 33, Column 13 Line 61 – Column 14 Line 3) after receiving the web of material and the digital information, unwinding the roll; (Ho et al., Column 13 Lines 34 - 49) and using the digital information and the fiducial marks as a guide to locate defects. (Ho et al., Column 13 Line 7 – Column 14 Line 33) Ho et al. fail to teach applying locating marks to the web identifying the position

of at least one of the anomalies that constitutes an actual defect, and wherein the fiducial marks uniquely identify a position on the web. Simonetti teaches applying locating marks to the web identifying the position of at least one of the anomalies that constitutes an actual defect (Simonetti, Page 5 Paragraphs 0045 – 0048) and wherein the fiducial marks uniquely identify a position on the web. (Simonetti, Page 5 Paragraphs 0045 – 0048) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Ho et al. with the teachings of Simonetti. This modification would have been prompted in order to annotate anomalies with unique identifiers which would be advantageous for a multitude of reasons, for example to aid in classification of the anomalies and/or in order to help make sure the inspection system is continually calibrated and aligned properly.

- With regards to claim 24, Ho et al. in view of Simonetti teach the method according to claim 22, further comprising processing the digital information with an algorithm to identify at least one anomaly that qualifies as a defect with respect to a contemplated end use of the web, (Ho et al., Column 7 Lines 46 – 59, Column 8 Lines 12 - 60) and to identify at least one anomaly that does not qualify as a defect with respect to the contemplated end use of the web, (Ho et al., Column 7 Lines 46 – 59, Column 8 Lines 12 - 60) and wherein applying locating marks is done only to the at least

one anomaly that represents an actual defect with respect to the contemplated end use of the web. (Ho et al., Column 10 Lines 48 – 53, Column 10 Line 63 - Column 11 Line 13, and Column 13 Lines 34 - 49)

- With respect to claim 28, Ho et al. teach a method of marking defects on a web of material having fiducial marks thereon, comprising: receiving the web of material in the form of a roll, (Ho et al., Column 5 Lines 46 – 55, Column 13 Lines 34 - 49) the web of material having a plurality of anomalies; (Ho et al., Column 6 Lines 7 – 23 and Lines 50 - 55) receiving digital information about the location of the plurality of anomalies on the roll, relative to the fiducial marks, (Ho et al., Column 13 Lines 18 – 33, Column 13 Line 61 – Column 14 Line 3) receiving digital information describing the anomalies to determine that at least one of the plurality of anomalies is an actual defect with respect to the contemplated end use of the web, (Ho et al., Column 7 Lines 46 – 59, Column 8 Lines 12 - 60) and one of the plurality of anomalies is not a defect with respect to the contemplated end use of the web; (Ho et al., Column 7 Lines 46 – 59, Column 8 Lines 12 - 60) unwinding the roll; (Ho et al., Column 5 Lines 46 – 55, Column 13 Lines 34 - 49) and identifying the position of the at least one anomaly that qualifies as an actual defect. (Ho et al., Column 12 Line 66 – Column 13 Line 17) Ho et al. fail to teach applying the locating marks to the web wherein the fiducial marks uniquely identify a position on the

web. Simonetti teaches applying the locating marks to the web (Simonetti, Page 5 Paragraphs 0045 – 0048) and wherein the fiducial marks uniquely identify a position on the web. (Simonetti, Page 5 Paragraphs 0045 – 0048) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Ho et al. with the teachings of Simonetti. This modification would have been prompted in order to annotate anomalies with unique identifiers which would be advantageous for a multitude of reasons, for example to aid in classification of the anomalies and/or in order to help make sure the inspection system is continually calibrated and aligned properly.

- With respect to claim 29, Ho et al. in view of Simonetti teach the method of claim 28, wherein the locating marks are not applied to the at least one anomaly that does not qualify as an actual defect. (Ho et al., Column 10 Lines 48 – 53, Column 10 Line 63 - Column 11 Line 13, and Column 13 Lines 34 – 49, the go defects can be excluded from the final reports)

- With respect to claim 30, Ho et al. in view of Simonetti teach the method of claim 28, further comprising: selecting one or more algorithms that identify defects, (Ho et al., Column 6 Lines 7 – 23, Lines 50 – 55, and Column 10 Lines 48 - 54) and wherein processing the digital information comprises applying the selected one or more algorithms to the digital information

describing the anomalies. (Ho et al., Column 6 Lines 7 – 23 and Lines 50 - 55)

- With regards to claim 31, Ho et al. in view of Simonetti teach the method of claim 2. Ho et al. teach wherein receiving input defining constituents of an anomaly that is a defect step and the processing the digital information describing the identified regions steps are done subsequent to the winding step. (Ho et al., Column 7 Lines 46 – 59, Column 8 Lines 12 – 60, Column 10 Lines 48 – 54)

5. Claims 7, 8, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho et al. U.S. Patent No. 6,934,028 in view of Simonetti U.S. Publication No. 2002/0176617 A1 as applied to claims 1 and 22 above, and further in view of Dante et al. U.S. Patent No. 5,365,596.

- With regards to claim 7, Ho et al. in view of Simonetti teach the method according to claim 1. Ho et al. fail to teach wherein the locating marks are on or adjacent to the anomalies whose position they identify. Dante et al. teach wherein the locating marks are on or adjacent to the anomalies whose position they identify. (Dante et al., Column 10 Lines 32 – 43) It would have been obvious to one of ordinary skill in the art to modify the teachings of Ho et al. in view of Simonetti to include the teachings of

Dante et al. This modification would have been prompted in order to minimize the amount of material which would need to be removed in the case of detected defects.

- With regards to claim 8, Ho et al. in view of Simonetti teach the method according to claim 1. Ho et al. fail to teach wherein the locating marks are spaced in a predetermined way from the anomalies whose position they identify. Dante et al. teach wherein the locating marks are spaced in a predetermined way from the anomalies whose position they identify. (Dante et al. Column 10 Lines 32 – 43) It would have been obvious to one of ordinary skill in the art to modify the teachings of Ho et al. in view of Simonetti to include the teachings of Dante et al. This modification would have been prompted in order to minimize the amount of material which would need to be removed in the case of detected defects.

- With regards to claim 23, Ho et al. in view of Simonetti teach the method according to claim 22. Ho et al. fail to teach wherein: the locating marks are applied to the web within 1 mm of the anomalies they identify. Dante et al. teach wherein: the locating marks are applied to the web within 1 mm of the anomalies they identify. (Dante et al., Column 10 Lines 32 – 43) It would have been obvious to one of ordinary skill in the art to modify the combined teachings of Ho et al. in view of Simonetti to include the

teachings of Dante et al. This modification would have been prompted in order to minimize the amount of material which would need to be removed in the case of detected defects.

6. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho et al. U.S. Patent No. 6,934,028 B2 in view of Simonetti U.S. Publication No. 2002/0176617 A1 as applied to claims 2 and 9 above, and further in view of Bokor et al. U.S. Patent No. 6,484,306 B1.

- With regards to claim 3, Ho et al. in view of Simonetti teach the method according to claim 2. Ho et al. teach wherein processing the digital information describing the identified regions comprises analyzing the extracted identified regions with at least one subsequent algorithm to determine at least one identified region that qualifies as an actual defect with respect to the contemplated end use of the web. (Ho et al., Column 13 Line 42 – Column 14 Line 33) Ho et al. fail to teach wherein the subsequent algorithm is not the same as the initial algorithm. Bokor et al. teach wherein a material is inspected with a subsequent algorithm which is not the same as an initial algorithm. (Bokor et al., Fig. 2, Column 5 Lines 20 – 28, Lines 31 – 35 and Lines 43 - 63) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined teachings of Ho et al. in view of Simonetti with the teachings of

Bokor et al. This modification would have been prompted because Ho et al. teach inspected the web multiple times but fail to specifically teach that an inspection algorithm is changed, but it would have been obvious to do so in order to decrease the amount of false alarms.

- With regards to claim 11, Ho et al. in view of Simonetti teach the system according to claim 9. Ho et al. teach wherein the inspection module extracts information defining identified regions from the digital information, (Ho et al., Column 10 Line 63 – Column 11 Line 50) and wherein the system further comprises: a data storage module operative to store the extracted information defining the identified regions on the web containing anomalies, (Ho et al., Column 13 Line 61 – Column 14 Line 33) as well as the determined positional information localizing the regions on the web containing anomalies, (Ho et al., Column 13 Line 61 – Column 14 Line 33) as well as the determined positional information localizing the regions on the web containing anomalies relative to the fiducial marks; (Ho et al., Column 13 Line 7 – Column 14 Line 33) a processor associated with the web marker controller operative to receive information defining the identified regions stored in the data storage module and analyzing the extracted information defining the identified regions with at least one subsequent algorithm to determine at least one anomaly that represents an actual defect with respect to a contemplated end use of the web, (Ho et

al., Column 13 Line 42 – Column 14 Line 33, Column 10 Line 49 – Column 11 Line 14) and at least one anomaly that does not represent an actual defect with respect to the contemplated end use of the web. (Ho et al., Column 13 Line 42 – Column 14 Line 33, Column 10 Line 49 – Column 11 Line 14) Ho et al. fail to teach wherein the subsequent algorithm is not the same as the initial algorithm. Bokor et al. teach wherein the subsequent algorithm is not the same as the initial algorithm. (Bokor et al., Fig. 2, Column 5 Lines 20 – 28, Lines 31 – 35 and Lines 43 - 63) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined teachings of Ho et al. in view of Simonetti with the teachings of Bokor et al. This modification would have been prompted because Ho et al. teach inspected the web multiple times but fail to specifically teach that an inspection algorithm is changed, but it would have been obvious to do so in order to decrease the amount of false alarms.

7. Claims 25 – 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho et al. U.S. Patent No. 6,934,028 in view of Bokor et al. U.S. Patent No. 6,484,306 and further in view of Simonetti U.S. Publication No. 2002/0176617 A1.

- With respect to claim 25, Ho et al. teach a method comprising: receiving information describing a web of material having fiducial marks thereon,

(Ho et al., Column 13 Lines 17 - 49) the information resulting from a completed web inspection operation; (Ho et al., Column 13 Lines 17 - 49) analyzing the information with a first algorithm to identify areas of the web containing anomalies; (Ho et al., Column 7 Lines 46 – 59, Column 8 Lines 12 - 60) digitally storing anomaly information that describes the areas of the web identified by the first algorithm as containing anomalies; (Ho et al., Column 13 Lines 18 – 33, Column 13 Line 61 – Column 14 Line 3) analyzing the anomaly information with a subsequent algorithm to produce defect information, the subsequent algorithm identifying at least one anomaly described by the anomaly information as a defect, and at least one anomaly described by the anomaly information as other than a defect, the defect information including at least information identifying the location of at least one defect relative to at least one of the fiducial marks on the web. (Ho et al., Column 13 Lines 18 – 33, Column 13 Line 61 – Column 14 Line 3) Ho et al. fail to teach wherein the subsequent algorithm is not the same as the initial algorithm and wherein the fiducial marks uniquely identify a position on the web. Bokor et al. teach wherein a material is inspected with a subsequent algorithm which is not the same as an initial algorithm. (Bokor et al., Fig. 2, Column 5 Lines 20 – 28, Lines 31 – 35 and Lines 43 - 63) Bokor et al. fail to teach wherein the fiducial marks uniquely identify a position on the web. Simonetti teaches wherein the fiducial marks uniquely identify a position on the web. (Simonetti, Page 5

Paragraphs 0045 – 0048) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined teachings of Ho et al. in view of Korngold et al. with the teachings of Bokor et al. This modification would have been prompted because Ho et al. teach inspected the web multiple times but fail to specifically teach that an inspection algorithm is changed, but it would have been obvious to do so in order to decrease the amount of false alarms. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined teachings of Ho et al. in view of Bokor et al. with the teachings of Simonetti. This modification would have been prompted in order to annotate anomalies with unique identifiers which would be advantageous for a multitude of reasons, for example to aid in classification of the anomalies and/or in order to help make sure the inspection system is continually calibrated and aligned properly.

- With respect to claim 26, Ho et al. in view of Bokor et al. and further in view of Simonetti teach the method of claim 25. Ho et al. fail to specifically teach the method further comprising: marking the location of the at least one defect on the web. Simonetti teaches marking the location of the at least one defect on the web. (Simonetti, Page 5 Paragraphs 0045 – 0048)

- With respect to claim 27, Ho et al. in view of Bokor et al. and further in view of Simonetti teach the method of claim 25, further comprising: producing a web conversion plan using the defect information. (Ho et al., Column 13 Lines 33 – 49)

Response to Arguments

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's arguments filed 30 September 2008 have been fully considered but they are not persuasive. On page 9 of the remarks filed 9/30/2008 the Applicant's Representative argues the Examiner failed to respond to "the concept of a first web process (to discover defects) as temporally distinct from a second web process (that marks defects)". The Examiner respectfully disagrees and asserts that the limitation as recited is not in the same form as recited in the claims. The Applicant's Representative is reminded that the Examiner, under guidance of the MPEP determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004). Broadest reasonable interpretation in mind, the Examiner feels that the limitations *as recited in the claims* have been appropriately addressed. With regards to claim 1 on page 9 of the remarks the Applicant's Representative argues that Ho et al. fail to teach a first web handling

operation, and then a second web handling operation that is temporally distinct from the first by virtue of a winding step. The Examiner respectfully disagrees and asserts that Ho et al. do a re-inspection which is temporally distinct from the first by virtue of a winding step as required by the claim, no other difference between the first and second web handling operation is required by the claim. On page 10 of the remarks the Applicant's Representative appears to argue that Ho et al. fail to teach two different cores. The Examiner asserts that this limitation is implicit as being notoriously well known and understood in the art to those of ordinary skill, Ho et al. teach a winding and un-winding steps and it is implicit, in this art, that the material is being wound and un-wound around at least two different cores, see Calvert et al. U.S. Patent No. 4,458,852 for specific teaching. "[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." *In re Preda*, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968) With regards to the Applicant's Representative note that the markings of Ho et al. are not based on the contemplated end use of the web. The Examiner would like to make clear that thresholds of Ho et al. are adjusted based on the product being inspected and are varied on a product-by-product basis, i.e. depending on the web material being inspected the thresholds are changed. The Examiner asserts that the type of material being inspected, the product, is directly related to the contemplated end use, for example Column 1 Lines 20 – 34 explicitly state certain web products may be required to be completely free of flaws or to not exceed a certain density of flaws. Web material such as X-Ray coatings will have

different threshold defects while being examined than those of lithium-ion battery membranes. These thresholds, parameters, are set by the customer to achieve their desired level of flaw detection on a product-by-product basis, Column 10 Lines 48 - 53. The different products along with the customers desired level of flaw detection are directly related to the contemplated end use of the web material being inspected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC RUSH whose telephone number is (571)270-3017. The examiner can normally be reached on 7:30AM - 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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